

## **Indiana Criminal Justice Institute Board of Trustees Electronic Meeting Policy**

### **I. Purpose**

Indiana Code §5-14-1.5-3.6 allows a member of a governing body, such as the Board of Trustees for the Indiana Criminal Justice Institute, who cannot be physically present at a meeting to participate by electronic communication.

### **II. Applicability**

This Policy applies to all boards, commissions and councils established under the Indiana Criminal Justice Institute created by Ind. Code §5-2-6-3.

### **III. Recitals: Policy Considerations**

This Policy is promulgated with the intent and applied so as to:

- A. Balance ease of a voting members' access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance;
- B. Follow Ind. Code § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of Indiana's Open Door Law; and
- C. Encourage voting members to physically attend meetings whenever possible.

### **IV. Legal References and Definitions**

- 1. "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon business." Ind. Code § 5-14-1.5-2(c).
- 2. The Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.*, requires that, with the exception of Executive Sessions, "all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them." Ind. Code § 5-14-1.5-3(a).
- 3. An "Official Action" includes receiving information, deliberating, making recommendations, establishing policy, making decisions, and taking final action (i.e. voting). Ind. Code § 5-14-1.5-2(d).
- 4. A "Governing Body" may include but is not limited to, the board, commission, council, or other body of the public agency that takes official action upon public business. Ind. Code § 5-14-1.5-2(b).
- 5. A "Public agency" for purposes of this Policy is "any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive or legislative power of the state." Ind. Code § 5-14-1.5-2(a).
- 6. "Public Business" includes "any function upon which the public agency is empowered or authorized to take official action." Ind. Code § 5-14-1.5-2(e).

7. “‘Executive Session’ means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.” Ind. Code § 5-14-1.5-2(f).

## V. Policy Provisions

1. **Minimum Physical Participation:** At any public meeting, at least 2 or 1/3 of the voting members, whichever is greater, must be physically present at the place where the meeting is conducted. In case of difficulty of scheduling or the possibility that the Board may not have the required number of board members physically present at the board meeting site, the chairperson shall determine who may attend via electronic means pursuant to this Policy.
2. **Prior Authorization to Participate Electronically:** The chairperson, or the chairperson’s designee, is responsible for supervising and coordinating all electronic participation by voting members. A voting member is required to obtain prior authorization to participate via electronic means pursuant to this Policy. Absent exceptional circumstances<sup>1</sup>, a member must submit an email request to participate via electronic means to the chairperson, or the chairperson’s designee, with a copy to the appropriate agency staff person, no later than two (2) business days in advance of the Board meeting. If circumstances arise that do not allow for a request permission to be made two (2) business days in advance, the voting member must provide notice at least two (2) hours notice so proper arrangements can be made to fulfill all other requirements of this policy.
3. **Permitted Means of Communication:** A voting member not physically present at the meeting may participate in the meeting by any electronic means of communication, so long as that electronic communication permits:
  - i. The member;
  - ii. All other members participating in the meeting; and
  - iii. All members of the public physically present at the place where the meeting is conductedto simultaneously communicate and participate in the meeting.<sup>2</sup> However, a voting member participating via electronic means pursuant to this policy is not required to do so in a setting that is open to the public.
4. **Annual Minimum Participation:** All voting members of a board, commission, or council are encouraged to physically attend as many regularly scheduled public meetings as possible. Each voting member is limited to electronically attending no more than two (2) regularly scheduled meetings per year.

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<sup>1</sup> Exceptional circumstances may include, but are not limited to, severe weather, illness, emergency, or a death in the family.

<sup>2</sup> A Board member participating via electronic means may do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.

5. **Treatment of Members Participating by Electronic Means:** A voting member who participates in a meeting by permitted electronic means of communication:
  - i. Shall be counted as present at the meeting; and
  - ii. May vote at the meeting<sup>3</sup>.
6. **Quorum:** The Board must still have a quorum, which equates to at least eight (8) Board members in order to transact business of the Board of Trustees. A Board member who participates in a meeting by a permitted means of electronic communication shall be counted for purposes of establishing a quorum.
7. **Roll Call Voting:** Where at least one (1) Board member is participating via electronic means pursuant to this Policy, all votes of the Board shall be taken by roll call. During such a vote, the name of each voting member will be called individually and requested to cast their vote aloud.
8. **Minutes of Meeting:** The minutes of each meeting where members were present electronically shall reflect which members were present in person and which members were present electronically.
9. **Executive Sessions:** The Indiana Criminal Justice Institute Board of Trustees may still exclude the public from an executive session in which a member participates by electronic communication.

## **VI. Review and Amendment**

This Policy shall remain in full force and effect unless amended by the Board in a meeting open to the public under Indiana Code Ch. 5-14-1.5, *et seq.* (The Indiana Open Door Law).

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<sup>3</sup> A Board member participating via electronic means may not cast the deciding vote on any matter properly before the Board.